

REMARKS

Summary Of Office Action

Claims 1-135 were pending in the above-identified patent application.

The Examiner stated that applicants' Supplemental Information Disclosure Statement ("IDS"), as filed on May 21, 2002, fails to comply with 37 C.F.R. § 1.98(a)(2).

The Examiner rejected claims 1-86 and 91-133 under 35 U.S.C. § 103(a) as being unpatentable over Brenner et al. U.S. patent 6,004,211 (hereinafter "Brenner") in view of Lappington et al. U.S. patent 5,734,413 (hereinafter "Lappington"). Claims 87-90, 134, and 135 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of LaDue U.S. patent 5,999,808 (hereinafter "LaDue").

Summary Of Applicants' Reply To Office Action

Applicants have amended the drawings to correct the mistaken labeling of a figure element.* Claims 87, 88, and 134 have been cancelled without prejudice. Claims 1, 44,

* Applicants proposed this amendment to the drawings in a Reply to the February 19, 2002 Office Action that was filed on May 21, 2002. However, the Letter to Official Draftsperson, as referred to in the May 21, 2002 Reply to Office Action, was inadvertently omitted from the May 21, 2002 filing. Applicants are therefore proposing the same drawing amendment in these Remarks, and a Letter to Official Draftsperson accompanies this Reply.

and 91 have been amended to more particularly define the invention. (These Remarks are followed by an Appendix showing how the drawings and claims 1, 44, and 91 have been amended. This Reply is accompanied by a separate Letter to the Official Draftsperson regarding the drawing amendments.) New claims 136-141 have been added.

The Examiner's statement regarding the May 21, 2002 Supplemental IDS and claim rejections are respectfully traversed.

Supplemental Information Disclosure Statement

The Examiner stated that applicants' May 21, 2002 Supplemental IDS fails to comply with 37 C.F.R. § 1.98(a)(2), and therefore the Supplemental IDS "has been placed in the application file, but the information referred to therein has not been considered" (Office Action, page 2, lines 8 and 9).

During a telephonic conversation on October 7, 2002, the Examiner informed the undersigned that the May 21, 2002 Supplemental IDS fails to comply with 37 C.F.R. § 1.98(a)(2) because the documents referred to in the Supplemental IDS were missing. During a follow-up telephonic conversation on October 16, 2002, the Examiner informed the undersigned that the documents referred to in the May 21, 2002 Supplemental IDS had been found. The

Examiner informed the undersigned that he will consider the documents referred to in the May 21, 2002 Supplemental IDS and will send the undersigned an initialed copy of the corresponding Form PTO-1449.

The Rejection Of Claims 1-86 And 91-133
Over Brenner In View Of Lappington
Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-86 and 91-133 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lappington. The Examiner's rejection is respectfully traversed.

Applicants' invention, as defined by independent claims 1, 44, and 91 as amended, is directed towards a method, system, and computer readable medium for submitting electronic wagers on races that are to be run to computer equipment over a communications network. At least one wireless portable computing device with a display is in two-way wireless communications with in-home user equipment.

A user at the wireless portable computing device is provided with on-screen options on the display of the wireless portable computing device that allow the user to create a wager. The on-screen options are based, at least in part, on information received over a wireless communications path between the wireless portable computing device and the

in-home user equipment. The information is based, at least in part, on racing data received by the in-home user equipment from the communications network.

The user is allowed to wirelessly transmit the wager from the wireless portable computing device to the in-home user equipment over the wireless communications path when it is desired to submit the wager for processing.

Illustrative on-screen options that may be displayed on the display of the wireless portable computing device are shown in applicants' FIGS. 3-8. The on-screen options allow the user to create a wager for a given race to be run. The on-screen options are displayed, for example, on the display of wireless user device 148, as shown in applicants' FIG. 2. The on-screen options are based, at least in part, on information received over wireless communications path 44r between wireless user device 148 and in-home user equipment 146. The user is allowed to wirelessly transmit the wager from wireless user device 148 to in-home user equipment 146 over wireless communications path 44r.

Thus, wireless user device 148 receives information from in-home user equipment 146 over wireless communications path 44r, and wireless user device 148 transmits a wager over

the same wireless communications path 44r to in-home user equipment 146 (FIG. 2). This demonstrates "two-way wireless communications" between a wireless portable computing device and in-home user equipment, as defined by applicants' claims 1, 44, and 91 as amended.

The Examiner contends that claims 1, 44, and 91 are unpatentable over Brenner in view of Lappington. While it is true that the practice of applicants' invention as claimed may implicate Brenner, Brenner does not teach the specific improvements of (a) providing a user at a wireless portable computing device with on-screen options on the display of the wireless portable computing device, wherein the on-screen options are based at least in part on information received over a wireless communications path between the wireless portable computing device and the in-home user equipment and (b) allowing the user to wirelessly transmit the wager from the wireless portable computing device to the in-home user equipment over the wireless communications path when it is desired to submit the wager for processing, as specified by applicants' claims 1, 44, and 91 as amended.

The Examiner's reliance on Lappington still fails to teach applicants' specific improvements. As shown in FIG. 1 of Lappington, encoded television signal 22 is sent

from satellite receiver 26 to a television viewer at home, where it is received by television set 30 and settop device/converter 28. Settop device 28 strips "interactive data" out of the television signal and sends the interactive data by infrared transmission to handheld 32, which presents an interactive program to the home viewer. The home viewer can participate in the interactive program and, upon completion of an interactive program, the home viewer can register his/her score with operations 34. "The preferred method for registering scores includes handheld 32 transmitting, via infrared communication, the registration information to dialer 33. After receiving the registration information, dialer 33, which includes a modem, sends the information to operations 34" (column 9, lines 14-18).

Handheld 32 receives interactive data from settop device 28 as an infrared transmission between handheld 32 and settop device 28, and handheld 32 transmits registration information to dialer 33 as an infrared transmission between handheld 32 and dialer 33 (FIG. 1). Thus, in contrast to applicants' invention, the transmissions involving handheld 32 are not "two-way wireless communications" over the same "wireless communications path," as defined by applicants' claims 1, 44, and 91 as amended. Rather,

handheld 32 receives interactive data from settop device 28 (i.e., a one-way communication) and sends registration information to dialer 33 (i.e., another one-way communication).

Thus, for at least these reasons, claims 1, 44, and 91 as amended are allowable over Brenner in view of Lappington. Therefore, applicants request that the rejection of claims 1, 44, and 91 based on Brenner and Lappington be withdrawn.

The Examiner also relied upon a personal digital assistant ("PDA") in the rejection of claims 1, 44, and 91. The Examiner provided a reference, "Products of the Year 1998" (hereinafter "Products"), in support of his contention. As discussed in Products, a Palm™ device can function as a "highly programmable remote control" by installing OmniRemote™ software. In contrast to applicants' invention, use of the Palm™ device as a remote control does not involve "two-way wireless communications," as defined by applicants' claims 1, 44, and 91 as amended. Rather, the Palm™ device is configured for use as a remote control by installing the OmniRemote™ software prior to its use, and thereafter the Palm™ device is used only to transmit infrared signals to a device such as a set-top box. Thus, the

Examiner's reliance on the Palm™ device discussed in Products still fails to teach applicants' improvements over Brenner.

The Examiner also relied upon Lappington et al. U.S. patent 5,343,239 (hereinafter "the '239 patent") in the rejection of claims 1, 44, and 91. Lappington is a continuation-in-part of the '239 patent, and a substantial portion of the disclosure included in the '239 patent is also included in Lappington. Thus, with regard to the disclosure that is common to both Lappington and the '239 patent, it follows that the '239 patent fails to teach applicants' improvements over Brenner for the same reasons that Lappington fails to teach applicants' improvements over Brenner. A portion of the disclosure included in the '239 patent is not included in Lappington. However, the additional disclosure in the '239 patent still fails teach applicants' improvements over Brenner.

In addition, claims 2-43, 45-86, and 92-133 are allowable at least because independent claim 1, from which claims 2-43 depend, independent claim 44, from which claims 45-86 depend, and independent claim 91, from which claims 92-133 depend, are allowable. Accordingly, applicants request that the rejection of claims 2-43, 45-86, and 92-133 be withdrawn.

The Rejection Of Claims 87, 88, And 134
Over Brenner In View Of LaDue
Under 35 U.S.C. § 103(a)

The Examiner rejected claims 87, 88, and 134 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of LaDue. Claims 87, 88, and 134 have been cancelled without prejudice. Accordingly, applicants request that the rejection of claims 87, 88, and 134 be withdrawn.

The Rejection Of Claims 89, 90, And 135
Over Brenner In View Of LaDue
Under 35 U.S.C. § 103(a)

The Examiner rejected claims 89, 90, and 135 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of LaDue. The Examiner's rejection is respectfully traversed.

Applicants' invention, as defined by claims 89, 90, and 135, is directed towards a method, system, and computer readable medium for wirelessly submitting electronic wagers to computer equipment. The user is allowed to create a wager with wireless user equipment and is allowed to transmit that wager from the wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment. The wager is received at the computer equipment for

processing from communications equipment at the racetrack over the communications network.

The wireless communication between the wireless user equipment and the communications equipment at the racetrack is shown in FIG. 2 as occurring over communications path 44s. The user transmits a wager from wireless user equipment 144 to communications equipment 141 at track 143 over communications path 44s.

After the wager has been transmitted from the wireless user equipment to the communications equipment at the racetrack, the wager may be processed either locally (i.e., at the racetrack) or remotely (i.e., at some location other than the racetrack). As defined by dependent claims 137, 139, and 141, the wager is processed locally. In other words, the computer equipment that receives the wager for processing is part of a local network at the racetrack (see, for example, page 29, lines 19-22). As defined by dependent claims 136, 138, and 140, the wager is processed remotely. In other words, the computer equipment that receives the wager for processing is located at a transaction processing and subscription management system (see, for example, page 29, lines 22-30). As shown in applicants' FIG. 2, for example, computer equipment 26 at transaction

processing and subscription management system 24 receives the wager from communications equipment 141 at track 143 over communications network 140 for processing.

LaDue refers to a method for transmitting messages over cellular radio system control channels and switches.

The Examiner contends that the combination of Brenner and LaDue would result in applicants' invention as defined by claims 89, 90, and 135. Contrary to the Examiner's contention, however, the combination of Brenner and LaDue fails to teach applicants' improvement of allowing a user to transmit a wager from wireless user equipment to a communications network via communications equipment at a racetrack that communicates wirelessly with the wireless user equipment, as defined by applicants' claims 89, 90, and 135.

The Examiner contends that the inclusion of communications equipment at a racetrack that communicates wirelessly with wireless user equipment is obvious:

"[w]ireless wagering would require that both client and server side have access to the wireless network, therefore it would be obvious to have the server side, racetrack communication equipment, with wireless equipment" (Office Action, page 7, lines 17-19). However, the Examiner

contradicts this contention with his motivation to combine Brenner and LaDue.

The Examiner contends that the motivation to combine Brenner and LaDue is based on the teaching of LaDue: "[t]he ability to use an existing infrastructure would monumentally decrease operating costs, as no 'network build-out' would be needed" (Office Action, page 7, lines 11-13). Thus, the Examiner contends that LaDue teaches away from adding additional equipment to the "existing [cellular] infrastructure." However, the Examiner's contention that it is obvious to include "communications equipment at a racetrack," as defined by applicants' claims 89, 90, and 135, is in direct conflict with his motivation, as the inclusion of communications equipment at a racetrack is the very "network build-out" that LaDue teaches away from. The Examiner cannot properly contend both (a) that it is obvious to include (i.e., add) communications equipment at a racetrack and (b) that the motivation to combine Brenner and LaDue is based on the teaching of LaDue to use "existing [cellular] infrastructure."

Thus, for at least these reasons, claims 89, 90, and 135 as amended are allowable over Brenner and LaDue. Accordingly, applicants request that the rejection of

claims 89, 90, and 135 based on Brenner and LaDue be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-86, 89-133, and 135-141 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

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HORSE(S)		
TOTAL COST		

78 80

CHOOSE YOUR WAGER

WIN

PLACE

SHOW

WIN/PLACE/SHOW

WIN/PLACE

WIN/SHOW

TRIFECTA

TRIFECTA BOX

TRIFECTA WHEEL

EXACTA

EXACTA BOX

EXACTA WHEEL

FIG. 5

86

48

84

80

78

80

76